

Court of Appeals, State of Michigan

ORDER

Collins Family Trust v Thomas S. Taylor and Ruth M. Taylor Trust

David H. Sawyer
Presiding Judge

Docket No. 300510

Joel P. Hoekstra

LC No. 10-000266-AV

Jane M. Beckering
Judges

Pursuant to MCR 7.205(D)(2), in lieu of granting the application for leave to appeal, the Court VACATES the district court's February 22, 2010, order granting third-party defendants' motion for summary disposition of Taylor's counterclaims/third-party complaint because the amount in controversy in those counterclaims exceeded that court's jurisdictional limit. MCR 4.002(A)(1). Although the jurisdiction issue was not raised below, "a challenge to subject matter jurisdiction may be raised at any time, even if raised for the first time on appeal." *Smith v Smith*, 218 Mich App 727, 729-730; 555 NW2d 271 (1996). The district court's order was therefore, void ab initio. *Todd v Dep't of Corrections*, 232 Mich App 623, 628; 591 NW2d 375 (1998); *In re Youmans*, 156 Mich App 679, 687; 401 NW2d 905 (1986). The case is REMANDED. We do not retain jurisdiction.

The motion for immediate consideration of the motion for peremptory reversal is GRANTED, but the motion for peremptory reversal is DENIED.

The motion to file a combined reply brief is GRANTED.



A true copy entered and certified by Larry S. Royster, Chief Clerk, on

FEB 04 2011

Date


Chief Clerk